



CEDAR PARK

CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 20, 2013 AT 6:30 P.M.
CEDAR PARK CITY HALL COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|---|---|--|
| <input type="checkbox"/> SCOTT ROGERS, Place 1 | <input type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input type="checkbox"/> KELLY BRENT, Place 7 |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input type="checkbox"/> HOLLY HOGUE, Place 6, |
| <input type="checkbox"/> MICHAEL DION, Place 3 | | Secretary |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES: Approve Minutes from the Regular Meeting of July 16, 2013
4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)
5. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. Ranch at Brushy Creek Section 10A (FP-13-007)
17.47 acres, 84 residential lots, 2 landscape lots
Located on North Frontier Lane near Dry Gulch Bend
Owners: Silverado Austin Development, LTD and Standard Pacific of Texas Inc.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
2. Buttercup Creek Phase V, Section 7, Resubdivision of Lot 161 Block A (SFP-13-008)
0.90 acres, 2 residential lots
Located at 2004 Burnie Bishop Place
Owners: Forestar (USA) Real Estate Group, Inc.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
3. Reserve at Twin Creeks Section 13, Amended Plat of Lots 38 & 39 Block V (FPD-13-005)
0.63 acres, 2 residential lots
Located on Millstream Drive, Reserve at Twin Creeks Section 13
Owners: John & Jill Bohnen and Standard Pacific of Texas, Inc.

Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Little Elm (FP-13-006)
59.38 acres, 2 commercial lots and 2 residential lots
Located on the west side of South Bell Boulevard at Little Elm Trail
Owner: Milestone Community Builders
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
2. Shanti Nivas (SFP-13-006)
2.04 acres, 1 commercial lot
Located at 1000 South Bell Boulevard
Owner: Bastrop Investment Group, LP
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
3. East Park Church Addition (SFP-13-007)
10.60 acres, 1 commercial lot
Located at the northwest corner of East Park Street and Creek Vista Boulevard
Owner: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS: **NONE**

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Postponement request by the City to September 17, 2013
- B. Ann Seaman, Z-13-015 – Postponement request by the applicant to September 17, 2013

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Old Mill Village, Z-13-007 (related to item 8A)
- B. Cedar Grove, Z-13-012 (related to item 8B)
- C. Cedar Park Event Center PD, Z-13-0016 (related to item 8C)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by 183 BLW LP to rezone approximately 10.72 acres from General Office (GO) and Local Retail (LR) to Condominium Residential (CD) for property located near the southwest corner of South Lakeline Boulevard and Old Mill Road. (Z-13-007)
Owner: 183 BLW LP
Agent: Jim Brewer, Gray Engineering
Staff Resource Person: Rian Amiton

Staff proposal to P&Z: General Office (GO) and Local Retail (LR)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

- B. Consider a request by Williams Properties II LLC, Joseph Taggart Williams Trust UTD, Professors Fund V LLC, MP Land 1 LP, and T&H Investments Inc. to rezone approximately 66.75 acres from Development Reserve (DR), Multifamily Residential (MF) and Local Retail (LR) to Single Family-Urban Lot (SF-3), Multifamily Residential (MF) and General Retail (GR) for property located on the east side of Bagdad Road, south of West New Hope Drive. (Z-13-012)

Owner: Williams Properties II LLC, Joseph Taggart Williams Trust UTD, Professors Fund V LLC, MP Land 1 LP, and T&H Investments Inc.

Agent: Randall Jones

Staff Resource Person: Amy Link

Staff proposal to P&Z: Single Family-Urban Lot (SF-3), Multifamily Residential (MF) and Local Retail (LR)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

- C. Consider a request by the City of Cedar Park to rezone approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD) for property located on the west side of 183A Toll Road, north of East New Hope Drive. (Z-13-016)

Owner: City of Cedar Park

Agent: David Pettit

Staff Resource Person: Amy Link

Staff proposal to P&Z: Planned Development (PD)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

9. FUTURE LAND USE PLAN AMENDMENTS:

- A. Future Land Use Amendment for property located near the southwest corner of South Lakeline Boulevard and Old Mill Road (related to Z-13-007).
- B. Future Land Use Amendment for property located on the east side of Bagdad Road, south of West New Hope Drive (related to Z-13-012).

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **NONE**

11. CONDITIONAL/SPECIAL USE PERMITS (ACTION AND PUBLIC HEARING):

- A. Consider a request by Junior Volleyball Association of Austin to allow a Conditional Use Permit for Outdoor Sports and Recreation on approximately 3.75 acres located at 1401 Toro Grande Boulevard. (CUP-13-001)

Owner: Junior Volleyball Association of Austin

Agent: Daniel Mahoney, Bury and Partners

Staff Resource Person: Rian Amiton

Staff proposal to P&Z: Approve Conditional Use Permit

- 1) Public Hearing
- 2) P&Z Action

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration of a proposed revision to the Code of Ordinances, specifically to amend, Chapter 11, Article 11.02 Zoning Districts and Regulations, Division 18 Local Retail District, Section 11.02.146 Permitted Uses; and Division 19 General Retail District, Section 11.02.156 Permitted Uses; and Division 20 Commercial Services District, Section 11.02.164 Permitted Uses; and Division 38 Land Use Chart Comparison, Section 11.02.342 Zoning District Chart Nonresidential Districts; and Article 11.12 Definitions, Section 11.12.002 Terms; to remove Gasoline Service Station, Limited as a permitted use and amend the Gasoline Service Station, General permitted use and definition. (OA-13-008)
- 1) Public Hearing
 - 2) P&Z Recommendation to City Council

13. DISCUSSION AND POSSIBLE ACTION: **NONE**

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

- A. Report on City Council Actions Pertaining to Zoning Matters from July 25th and August 8th
- B. Director and Staff Comments
- C. Commissioners Comments
- D. Request for Future Agenda Items
- E. Designate Delegate to Attend Next Council Meetings on August 22nd and September 12th

15. ADJOURNMENT

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the Planning and Zoning Commission.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session Items on this agenda, if any.

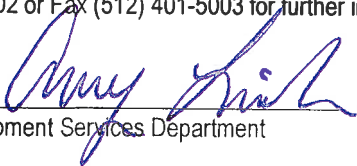
CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

AUG 15 2013 4:45

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Complex Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.



Development Services Department

Notice Removed: _____
Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, JULY 16, 2013 AT 6:30 P.M.
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

<input checked="" type="checkbox"/> SCOTT ROGERS, Place 1	<input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair	<input checked="" type="checkbox"/> KELLY BRENT, Place 7
<input checked="" type="checkbox"/> THOMAS BALESTIERE, Place 2	<input checked="" type="checkbox"/> AUDREY WERNECKE, Place 4, Vice	<input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
<input checked="" type="checkbox"/> MICHAEL DION, Place 3	Chair	Secretary

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Five Commissioners were present and a quorum was declared. Commissioner Rogers arrived during Item 7. Commissioner Balestiere arrived during Item 8A. Chair Kauffman read the standard introduction explaining the meeting procedures.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. MINUTES: Approve Minutes from the Regular Meeting of June 18, 2013
MOTION: Commissioner Dion moved to approve the Minutes of the Regular Meeting of June 18, 2013 as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 5-0, with two absent.
4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **None.**
5. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
 1. Little Elm Final Plat (FP-13-006)
59.38 acres, 2 commercial and 2 residential lots
Located on Little Elm Trail, west of South Bell Boulevard
Owners: Milestone Community Builders
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
 - B. SUBDIVISION APPROVALS:
 1. Parkwest Estates Section 2 (FP-13-005)
10.55 acres, 31 single family lots
Located on Cedar Park Drive, west of North Bell Boulevard
Owner: RH of Texas Limited Partnership
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
 2. Little Elm Preliminary Plan (PP-13-004)
59.38 acres, 2 commercial and 2 residential lots
Located on Little Elm Trail, west of South Bell Boulevard
Owners: TS-SD II LTD and New Amstel Land LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

6

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS

1. Holly Hogue, June 18, 2013

MOTION: Commissioner Dion moved to recommend approval of Consent Agenda Items 5.A.1 through 5.C.1 as presented. Vice Chair Wernecke seconded the motion. The motion passed unanimously, 5-0, with two absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS: **NONE**

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Hopper Caspita, Z-13-010 (related to item 8A)

- B. West Parke, Z-13-013 (related to item 8B)

MOTION: Commissioner Dion moved to accept the Preliminary Reports for Items 8A (Z-13-010) and 8B (Z-13-013) as presented. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Caspita Industries, LTD to rezone approximately 10.51 acres from General Office (GO) to Planned Development (PD) for property located on the south side of Old Mill Road, west of Lakeline Boulevard. (Z-13-010)

Owner: Caspita Industries, LTD

Agent: Jennie Braasch, Pohl Partners

Staff Resource Person: Amy Link

Staff proposal to P&Z: General Office (GO)

- 1) Public Hearing
- 2) P&Z Recommendation to City Council
- 3) P&Z Adoption of Final Report

Planning Manager Amy Link made the presentation and was available for questions. The applicant requested rezoning of approximately 10.51 acres from General Office (GO) to Planned Development (PD) for property located near Old Mill Road west of Lakeline Boulevard. The site is currently undeveloped. The Applicant's Communication Summary had been received. Staff recommended retention of the GO zoning designation for this tract. The request for PD zoning is not consistent with the Future Land Use Plan (FLUP) and is not supportive of the economic development goals of the Comprehensive Plan. Staff did not support a single point of public access because it would restrict adequate flow of access within the development and for emergency services.

Bill McClain, applicant's attorney, addressed the Commissioners. Jennie Braasch, agent, also addressed the Commissioners. They stated that the concerns of the neighborhood had been addressed by providing a single access point to Old Mill Road with the second point of access only for emergency services access, side orientation of the buildings towards the Shenandoah subdivision to provide more privacy to the neighborhood, fifty foot setback, maximum two-story building height, and prohibition of rental of the units by a restrictive covenant. Jennie Braasch stated that the property had been on the market for over ten years.

There was general discussion among the Commissioners concerning the single point access.

A public hearing was held on the above item. The following completed Recognition Cards requesting to speak in support of the rezoning request: 1) Rae Ann Doerr, 2) Tim Weston, 3) Andrew Motz, 4) Lisa Brown and 5) John Swanson. Corrine Costabile, James Costabile and

1

Diane Bennet signed cards in support of the rezoning request, but did not speak. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was discussion among the Commissioners concerning whether the area would support commercial businesses or office space, when the property was originally zoned, and the compatibility of town homes with surrounding areas.

1st MOTION: Commissioner Brent moved to recommend denial to the City Council of rezoning approximately 10.51 acres from General Office (GO) to Planned Development (PD) for property located on the south side of Old Mill Road, west of Lakeline Boulevard (Z-13-010) as recommended by staff. Vice Chair Wernecke seconded the motion. The motion failed as follows:

Yes: Brent, Wernecke, Hogue
No: Kauffman, Dion, Balestiere, Rogers

2nd MOTION: Commissioner Rogers moved to recommend approval to the City Council of rezoning approximately 10.51 acres from General Office (GO) to Planned Development (PD) with the PD guidelines for property located on the south side of Old Mill Road, west of Lakeline Boulevard (Z-13-010). Commissioner Balestiere seconded the motion.

There was discussion among the Commissioners. Commissioner Brent stated that the PD was too broad as written. Chair Kauffman suggested that single family districts be removed.

2nd MOTION WITHDRAWN: Commissioner Rogers withdrew his motion. Commissioner Balestiere accepted.

3rd MOTION: Commissioner Dion moved to recommend approval of Z-13-010 with the provision that SF-1, SF-2, SF-3 and ES districts are removed from the permitted uses in the PD Land Use Plan. Commissioner Balestiere seconded the motion. The motion passed as follows:

Yes: Kauffman, Dion, Balestiere, Rogers
No: Brent, Wernecke, Hogue

MOTION: Commissioner Rogers moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8A, Case Z-13-010. Commissioner Balestiere seconded the motion. The motion passed unanimously, 7-0.

- B. Consider a request by GLL Investors, LLC, Edward Campos and Susan Merkert-Campos to rezone approximately 17.65 acres from Single Family-Large Lot (SF) to Single Family-Urban Lot (SF-3) for property located at 1507, 1509, 1607 and 1609 West Park Street. (Z-13-013)
Owner: GLL Investors, Edward Campos and Susan Merkert-Campos
Agent: William Newton
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Single Family-Urban Lot with a Conditional Overlay to require a 10,000sf minimum lot size and a minimum 25 foot rear setback. (SF-3-CO)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Planner Rian Amiton made the presentation and was available for questions. The applicant requested rezoning of approximately 17.65 acres from Single-Family Residential, Large Lot (SF) to Single-Family Residential, Urban Lot (SF-3) for property located at 1507, 1509, 1607 and

1609 West Park Street. The site is currently comprised of four large single family residential lots. The Applicant's Communication Summary had not been received. Staff recommended approval of the Applicant's request for SF-3 zoning with the following conditions: 1) 10,000 square foot minimum lot size and 2) 25 foot minimum rear yard setback. There would be no increase in density. The applicant's agent had indicated that the Applicants were amenable to these proposed conditions.

William Newton, Applicant's agent, addressed the Commissioners. The rezoning would allow the Applicant to maintain current density with smaller side setbacks. This would allow the house to have a larger footprint.

A public hearing was held on the above item. The following completed Recognition Cards requesting to speak in support of the rezoning request: 1) Diane Bennett and 2) Linda Todd. The following were against the rezoning request: 1) Carolyn Altman, 2) Bill Mullins, Jeri Milo and 3) Kay Tipsord. Joseph Konopka's card showed "no opinion". Gerry Marker and Tommie Mullins were against the rezoning, but did not speak. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding the smaller side setbacks.

MOTION: Commissioner Dion moved to recommend approval to the City Council of rezoning approximately 17.65 acres from Single Family-Large Lot (SF) to Single Family-Urban Lot with above conditions (SF-3-CO) for property located at 1507, 1509, 1607 and 1609 West Park Street (Z-13-013) as recommended by staff. Secretary Hogue seconded the motion. The motion passed 6-1 as follows:

Yes:	Dion, Hogue , Rogers, Brent, Kauffman, Balestiere
No:	Wernecke

MOTION: Commissioner Dion moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-13-013. Commissioner Balestiere seconded the motion. The motion passed unanimously, 7-0.

9. FUTURE LAND USE PLAN AMENDMENTS: **NONE**

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING): **NONE**

11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING):

- A. Consider a request by Fourth NHP Holdings, LP to allow a Conditional Use Permit for Warehouse and Distribution, Limited on approximately 3.19 acres located at 300 Brushy Creek Road. (Z-13-014)
Owner: Fourth NHP Holdings, LP
Agent: Terray Glasman
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Approve Conditional Use Permit
 - 1) Public Hearing
 - 2) P&Z Action

Planner Rian Amiton made the presentation and was available for questions. The applicant requested a Conditional Use Permit to allow for 'Warehouse and Distribution, Limited' on 3.19 acres in a General Retail (GR) district. Staff recommended approval of the Applicant's request. Rian Amiton advised that the Planning and Zoning Commission was the final authority for

Conditional Use Permits. Mr. Soto, representing the applicant, was present to answer questions.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Dion moved to approve the Conditional Use Site Development request for Case Z-13-014 as recommended by Staff. Commissioner Rogers seconded the motion. The motion passed unanimously, 7-0.

12. **ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:**

A. Consideration of a proposed revision to Chapter 11, Article 11.01 Zoning Ordinance, Division 2 General Compliance, Section 11.01.010 Portable and Temporary Buildings During Construction to amend the regulations regarding portable and temporary buildings. (OA-13-005)

1) Public Hearing

2) P&Z Recommendation to City Council

Director Rawls Howard made the presentation and was available to answer questions. Staff proposed amendments to Chapter 11, Zoning regarding temporary and portable buildings. The amendments would allow expanding businesses to use portable buildings to house business offices while expansion of permanent structures is underway. Final certificate of occupancy for the permanent structure would be contingent upon removal of the portable building.

There was general discussion among the Commissioners noting that the language had been modified since they reviewed it on May 21, 2013 to require that portable buildings only be allowed after issuance of a building permit for permanent structures on the site.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Brent moved to approve Ordinance Amendment OA-13-005 as presented by Staff. Secretary Hogue seconded the motion. The motion passed unanimously, 7-0.

13. **DISCUSSION AND POSSIBLE ACTION:**

A. Discussion of Engineering Standard Subdivision Notes

Planning Manager Amy Link advised that the number of notes had not been reduced. Charles Rowland, City Attorney, advised that Texas law states that actual notice is required by including the plat notes on the plat. The City cannot enforce without actual notice. There was discussion among the Commissioners concerning the notes. No action was taken on this item.

14. **ADMINISTRATIVE ITEMS:**

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council Actions Pertaining to Zoning Matters from June 27th and July 11th.

Commissioner Balestiere advised that Ordinance Amendment OA-12-007 was approved at the June 27th meeting. Ordinance Amendment OA-13-006 was also on the agenda for a first reading and public hearing. Commissioner Dion advised that at the July 11th meeting, Ordinance Amendment OA-13-006 was approved, Case Z-12-014 was denied, and Case Z-13-008 was on the agenda for a first reading and public hearing.

B. Director and Staff Comments

Director Rawls Howard provided a brief update on the Comprehensive Plan Advisory Committee.

C. Commissioners Comments. **None.**

D. Request for Future Agenda Items. **None.**

E. Designate Delegate to Attend Next Council Meetings on July 25th and August 8th.

Commissioner Rogers advised that he would attend the July 25th Council meeting. Secretary Hogue advised that she would attend the August 8^h Council meeting.

15. ADJOURNMENT

Chair Kauffman adjourned the meeting at 9:51 p.m.

PASSED AND APPROVED THE 20TH DAY OF AUGUST, 2013.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

11

August 20, 2013

Subdivision

Planning and Zoning Commission

Ranch at Brushy Creek Section 10A

Item:#

5A1

Case Number: FP-13-007

OWNER: Silverado Austin Development, LTD and Standard Pacific of Texas Inc.

STAFF: Amy Link, 512-401-5056, amy.link@cedarparktexas.gov

LOCATION: North Frontier Lane near Dry Gulch Bend

COUNTY: Williamson

AREA: 17.47 acres

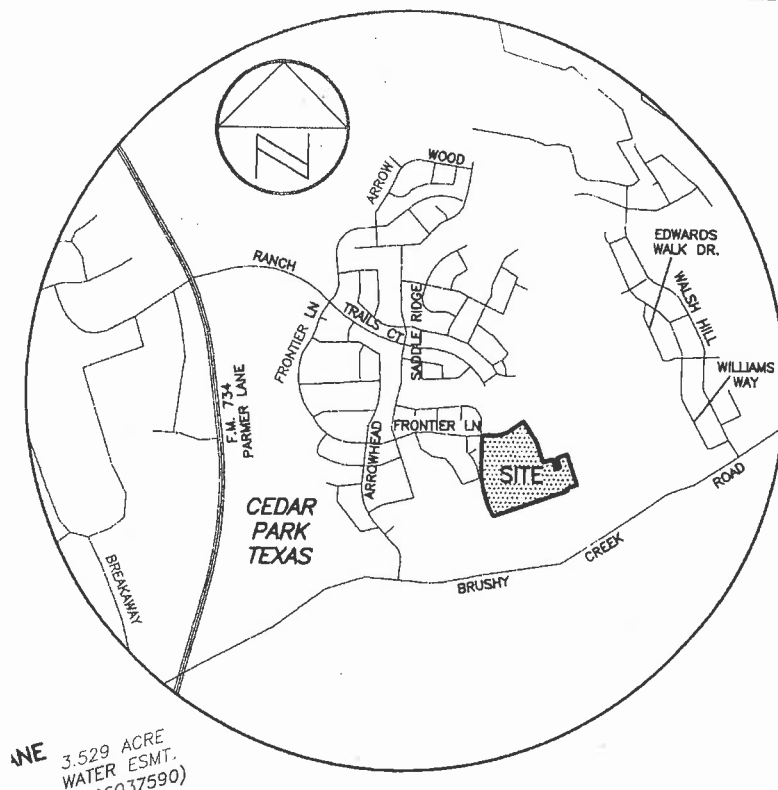
ZONING: SF-2 and SF-3

SUBDIVISION DESCRIPTION: 84 residential lots, 2 landscape lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



Subdivision

Planning and Zoning Commission
**Buttercup Creek PH V Section 7,
Resubdivision of Lot 161 Block A**

Item:#
5A2

Case Number: SFP-13-008

OWNER: Forestar (USA) Real Estate Group, Inc.

STAFF: Amy Link, 512-401-5056, amy.link@cedarparktexas.gov

LOCATION: 2004 Burnie Bishop Place

COUNTY: Williamson

AREA: 0.90 acres

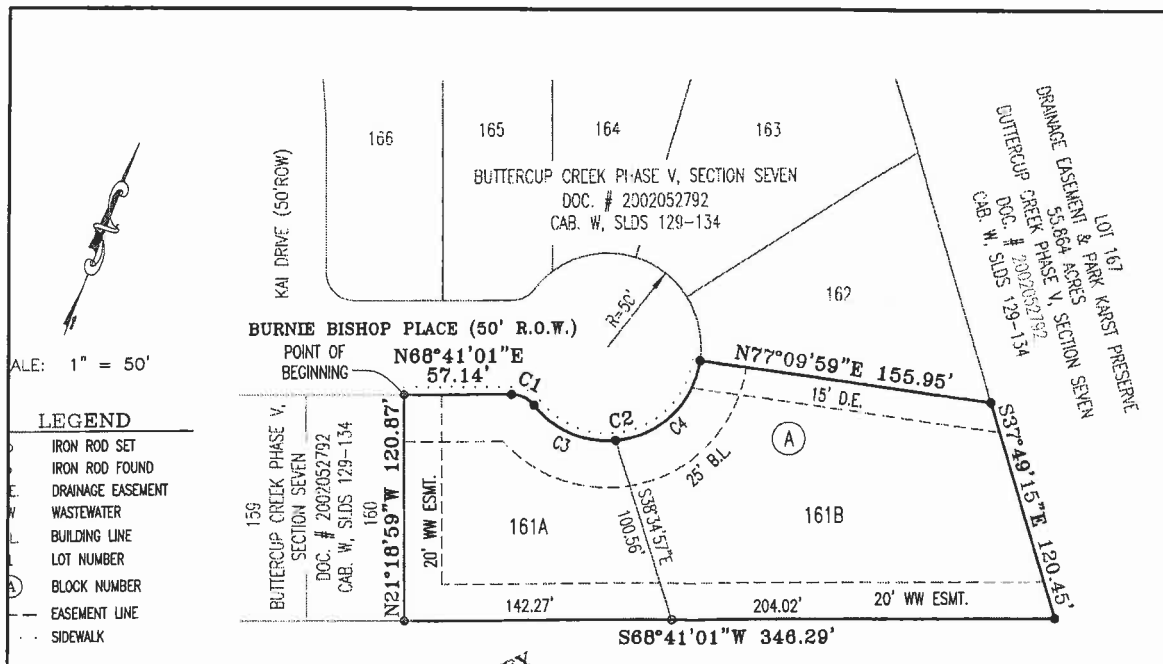
ZONING: SF-3

SUBDIVISION DESCRIPTION: 2 residential lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



August 20, 2013

Subdivision

Planning and Zoning Commission
**Reserve at Twin Creeks Sec 13,
Amended Plat of Lots 38 & 39 Block V**

**Item:#
5A3**

Case Number: FPD-13-005

OWNER: John & Jill Bohnen and Standard Pacific of Texas, Inc.

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Millstream Drive, Reserve at Twin Creeks Section 13

COUNTY: Travis

AREA: 0.63 acres

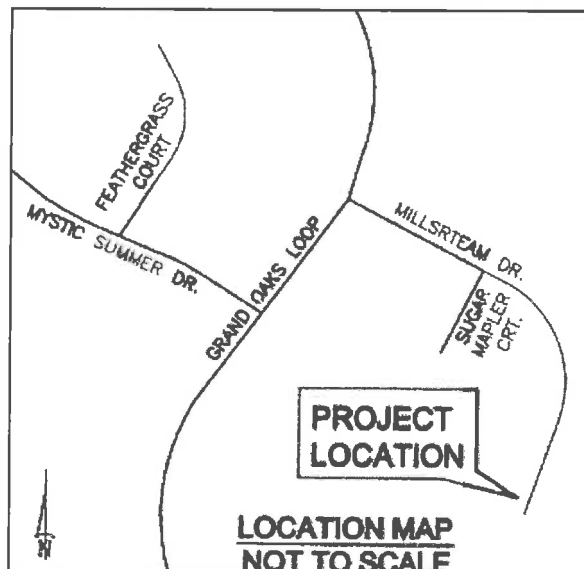
ZONING: n/a

SUBDIVISION DESCRIPTION: 2 residential lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



August 20, 2013

Planning and Zoning Commission

Item:#

Subdivision

Little Elm Subdivision

5B1

Case Number: FP-13-006

OWNER: Milestone Community Builders

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: West side of South Bell Boulevard at Little Elm Trail

COUNTY: Williamson

AREA: 59.38 acres

ZONING: PD, GR and CD-CO

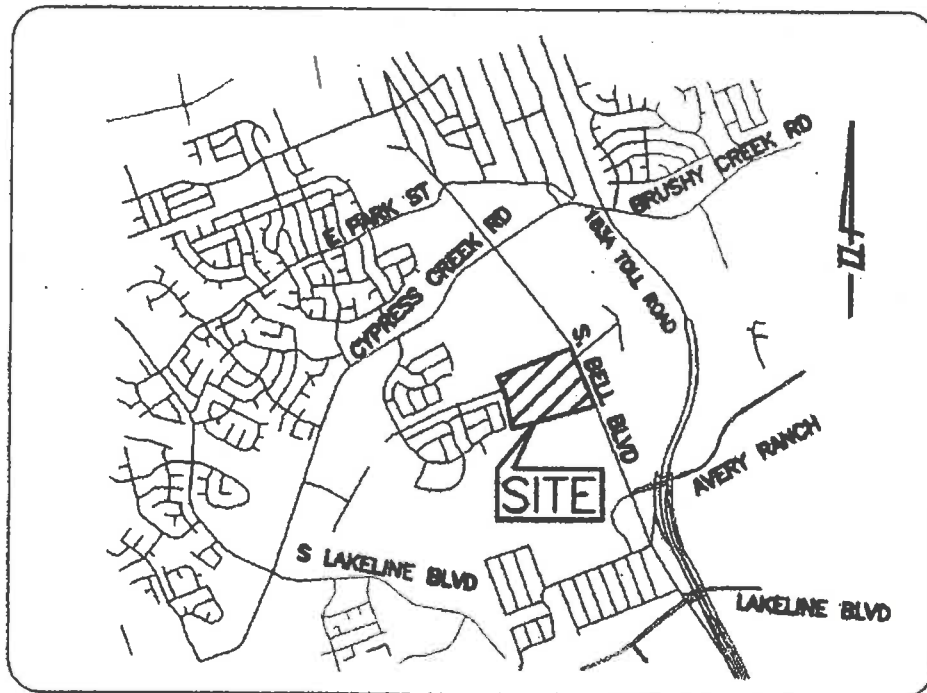
SUBDIVISION DESCRIPTION: 2 commercial lots and 2 residential lots with a 110 foot right-of-way for an extension of Little Elm Trail and a 70 foot right-of-way for an extension of Alexis Drive.

STAFF COMMENTS:

This plat meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



August 20, 2013

Planning and Zoning Commission

Item:#

Subdivision

Shanti Nivas

5B2

Case Number: SFP-13-006

OWNER: Bastrop Investment Group, LP

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: 1000 South Bell Boulevard

COUNTY: Williamson

AREA: 2.04 acres

ZONING: GR

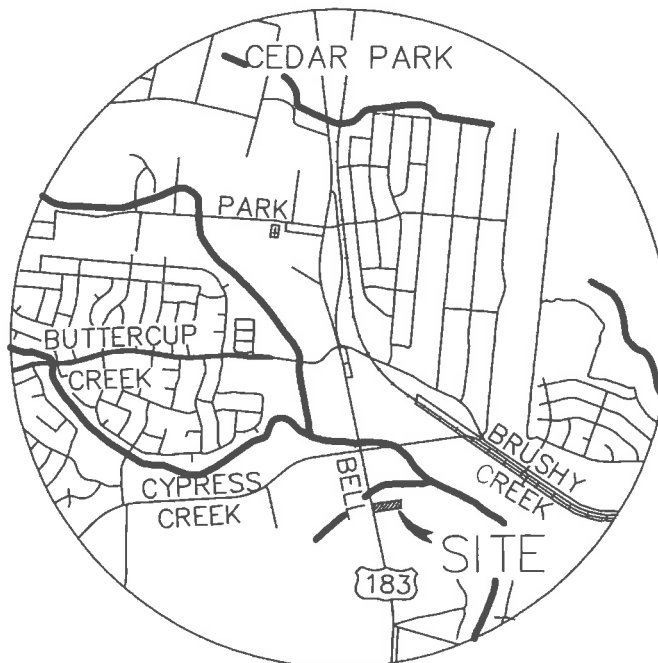
SUBDIVISION DESCRIPTION: 1 commercial lot

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat after holding a public hearing.



August 20, 2013

Planning and Zoning Commission

Item:#

Subdivision

East Park Church Addition

5B3

Case Number: SFP-13-007

OWNER: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Northwest corner of East Park Street and Creek Vista Boulevard

COUNTY: Williamson

AREA: 10.60 acres

ZONING: GO and LR

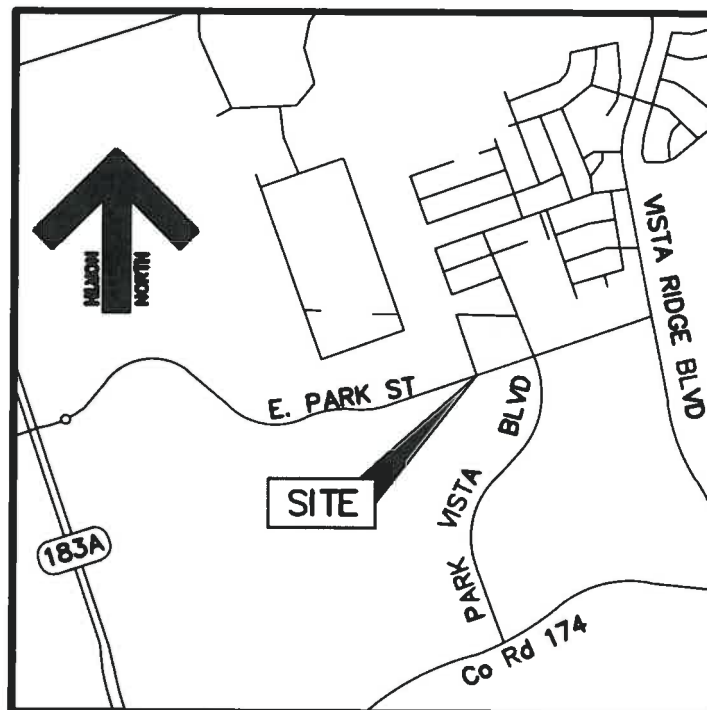
SUBDIVISION DESCRIPTION: 1 commercial lot

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat after holding a public hearing.



August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Park Town Center

Item:

6A

Case Number: # Z-13-006

OWNER: Continental Homes of Texas, LP

AGENT: James Brewer, Gray Engineering Inc.

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: 183A Toll Road, south of East new Hope Drive

COUNTY: Williamson

AREA: 42.9 acres

Staff is requesting a postponement of this rezoning request to September 17, 2013 to allow additional time to meet with the applicant and Town Center neighborhood.

The applicant is agreeable with the postponement.



18

August 20, 2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
6B

Case Number: # Z-13-015

OWNER: Ann Seaman

AGENT: Kristiana Alfsen, Pohl Partners

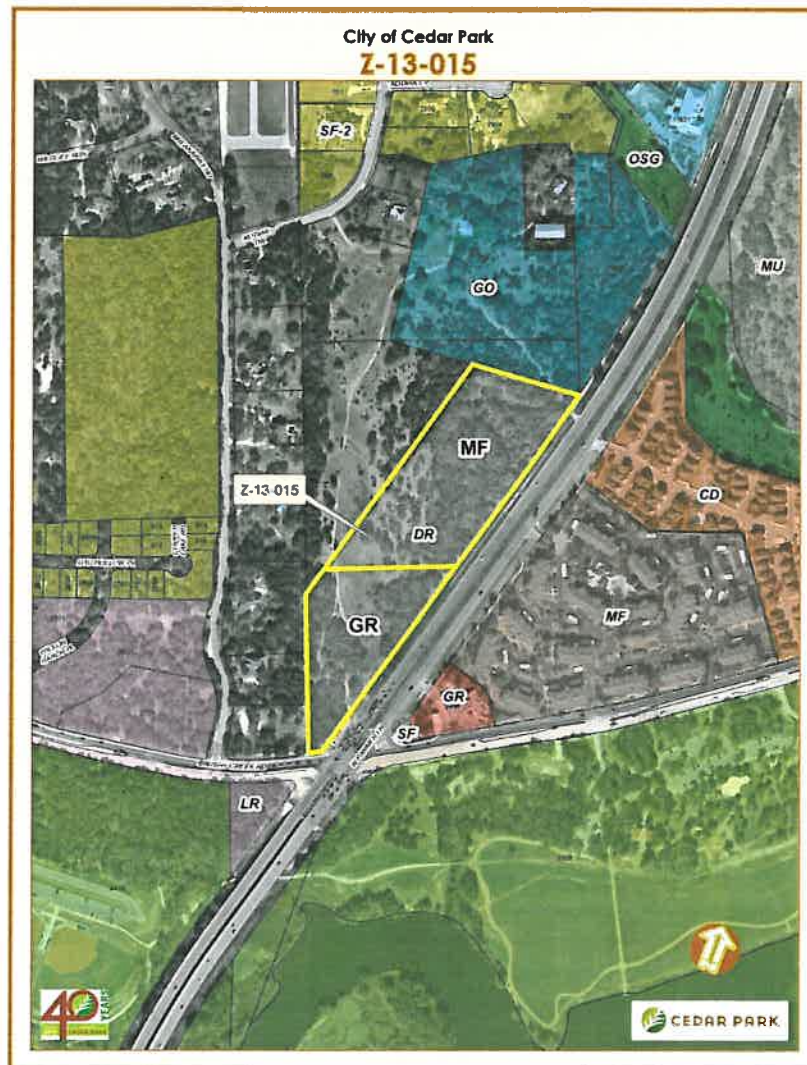
STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Northwest corner of West Parmer Lane and Brushy Creek Road

COUNTY: Williamson

AREA: 13.16 acres

The applicant has requested a postponement of their request until September 17, 2013 in order to revise their application to include additional acreage in the request.



August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Old Mill Village	7A & 8A
Case Number: Z-13-007		

OWNER/APPLICANT: 183 BLW LP

AGENT: James Brewer, Gray Engineering Inc.

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Old Mill Road and South Lakeline Boulevard

COUNTY: Williamson County

AREA: 10.72 acres

EXISTING ZONING: General Office (GO) and Local Retail (LR)

PROPOSED ZONING: Condominium (CD)

STAFF RECOMMENDATION: General Office (GO) and Local Retail (LR)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Neighborhood Office/Retail/Commercial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 10.72 acres from General Office (GO) and Local Retail to Condominium (CD).

EXISTING SITE and SURROUNDING LAND USES:

This site is currently comprised of two undeveloped parcels. It has frontage on both Old Mill Road and South Lakeline Boulevard. To the north, at the corner of Old Mill and South Lakeline, is a small retail strip center (Lake Mill Plaza). Undeveloped land zoned GO and Local Retail (LR) is located across Old Mill, and vacant land zoned LR and Condominium (CD) is across South Lakeline. To the south is the Shenandoah subdivision in the City's ETJ, with the exception of the parcel on the corner of South Lakeline, which is zoned Transitional Office (TO) and houses a dentist office. Undeveloped land lies to the west; there is a pending application for this property which would rezone it from General Office (GO) to a Planned Unit Development (PUD) to allow for residential uses.

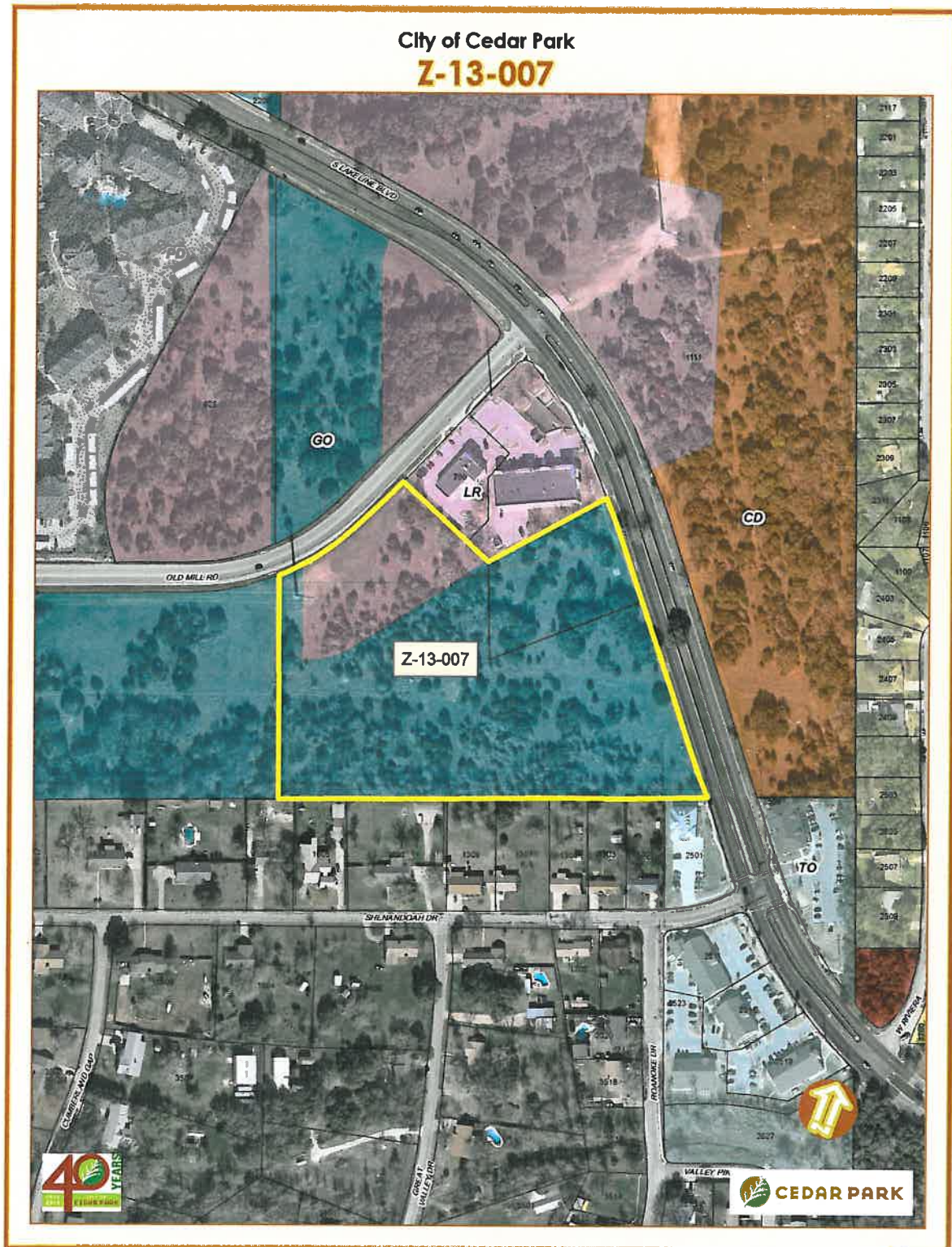
August 20, 2013

Zoning

Planning and Zoning Commission
Old Mill Village

Item:
7A & 8A

Case Number: Z-13-007



August 20, 2013

Planning and Zoning Commission

Zoning

Old Mill Village

**Item:
7A & 8A**

Case Number: Z-13-007

PURPOSE OF REQUESTED ZONING DISTRICT:

This district is generally inappropriate for infill zoning between single-family lots within a neighborhood development. This district may be appropriate for transitional residential development at an edge of a low density single-family neighborhood, where higher densities and trips generated do not impact lower density areas. Open space and recreation, religious, and educational facilities are provided to maintain an orderly, convenient, and attractive residential neighborhood. The nonresidential uses permitted in this district are considered compatible with the housing options of this district so as to preserve its value, sustainability, and integrity.

PERMITTED USES IN CD:

- Condominiums, residential
- Parks, playgrounds, recreational facilities owned by the municipality, other governmental agency, or in common under a mandatory homeowner's association.
- Places of worship
- Public buildings, uses
- Real estate sales offices (during the development of a residential subdivision, to be terminated upon ninety (90) percent build out of the subdivision.)
- Temporary building
- Utility services, general
- Accessory structures
- Customary home occupations

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area for Neighborhood Office/Retail/Commercial, with compatible zoning districts of General Office (GO), Local Retail (LR), Transitional Commercial (TC), Transitional Office (TO), and Mixed Use (MU).

The Applicant's request does not comply with the FLUP. The CD request is compatible with a Medium Density Residential designation, which would allow zoning districts such as Duplex Residential (DP), Townhome Residential (TH) and Condominium Residential (CD).

A FLUP amendment is being processed concurrently with this zoning application. See agenda item 9A.

COMPREHENSIVE PLAN:

The request does not support the economic development goals consistent with the Neighborhood Office/Retail/Commercial designation contemplated by the FLUP. Specifically, it does not support the following goals:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.

22

August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Old Mill Village	7A & 8A
Case Number: Z-13-007		

SITE INFORMATION:

Corridor Overlay:

South Lakeline Boulevard is a corridor roadway. More than half of the subject area is within the Corridor Overlay (CO).

Transportation:

Lakeline Boulevard is classified as a major arterial roadway. In 2011, the traffic count on Lakeline Boulevard, south of Little Elm Trail was 31,445 vehicles per day.

Old Mill Road is classified as a residential collector.

Subdivision:

Old Mill/Wolf Phase II, Lot 2, Block A; R. Saul Survey

Setback Requirements:

	CD
Front Setback	25'
Side Setback	10'
Side Setback Adjacent to Public Street	15'
Rear Setback	20'

Architectural Requirements:

The CD district requires 75% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-95-008	Interim R-1 to PUD	Recommended	Approved
Z-03-013	PUD to LR & GO	Recommended	Approved

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Old Mill Village

7A & 8A

Case Number: Z-13-007

STAFF COMMENTARY:

Both subject parcels have substantial frontage on South Lakeline Boulevard, a major arterial roadway. In addition, Old Mill Road is expected to extend north from Lakeline, creating a four-way intersection with a collector street. This location is well suited for the zoning districts that currently exist; GO "should be located between activity nodes along arterial roadways"; and LR "should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections". Additionally, the applicant's request for CD zoning is not consistent with the FLUP and is not supportive of the economic development goals of the Comprehensive Plan.

Currently, there are 28 acres of entitled CD zoned property on the north side of Lakeline Boulevard, directly across from Old Mill Road and 1,400 multifamily residential units under development within close proximity to the subject site. In addition to the residential units under construction, the land to the west of Ridgeline Boulevard, between Lakeline Boulevard and Highway 620 in the City of Austin, is entitled for multifamily, further contributing to the demand for commercial at this location.

Staff believes maintaining the GO and LR designation allows for the best use of the property as it is immediately adjacent to and can take advantage of higher intensity commercial (both existing and planned) development on the corner of Lakeline Boulevard and 183 as well of thousands of units of high density residential coming online in the City of Austin.

STAFF RECOMMENDATION:

Staff recommends retention of the LR and GO zoning designation for this tract.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

Not received.

PUBLIC INPUT: To date, staff has not received any responses regarding this request.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman August 7, 2013
23 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (September 12, 2013) 1ST Reading
(September 26, 2013) 2ND Reading

24

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Grove

7B & 8B

Case Number: # Z-13-012

OWNER: Williams Properties II LLC, Joseph Taggart Williams Trust UTD, Professors Fund V LLC, MP Land 1 LP, and T & H Investments Inc.

AGENT: Randall Jones

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: East side of Bagdad Road, south of West New Hope Drive

COUNTY: Williamson

AREA: 66.75 acres

EXISTING ZONING: Multifamily (MF), Local Retail (LR) and Development Reserve (DR)

PROPOSED ZONING: Single Family-Urban Lot (SF-3), Multifamily (MF) and General Retail (GR)

STAFF RECOMMENDATION: Single Family-Urban Lot (SF-3), Multifamily (MF) and Local Retail (LR)

EXISTING FUTURE LAND USE DESIGNATION: Neighborhood Office/Retail/Commercial

PROPOSED FUTURE LAND USE DESIGNATION: Low Density Residential, High Density Residential, Neighborhood Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 66.75 acres from Multifamily (MF), Local Retail (LR) and Development Reserve to 43.37 acres of Single Family-Urban Lot (SF-3), 17.16 acres of Multifamily (MF) and 6.22 acres of General Retail (GR).

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped and surrounded by partially developed GR zoned property to the north, predominantly single family zoned property to the northeast, east and south, and Bagdad Road to the west.

25

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Grove

7B & 8B

Case Number: # Z-13-012

PURPOSE OF REQUESTED ZONING DISTRICT:

The Urban Single-Family Residential District, SF-3, is established to provide for standard urban sized lots that allow for low density single-family residential developments at a more compact urban scale. Nonresidential uses permitted in this district are considered to be compatible with single-family residences that act to preserve the value, and integrity of the residential neighborhood.

The Multifamily Residential District, MF, is established to provide for a high density multifamily residential district, intended to provide the maximum residential density. The principal permitted land uses will include low-rise multiple family dwellings, garden apartments, fourplexes, and triplexes. Other residential living facilities and some nonresidential uses generally compatible with apartment living are also permitted in this District. This District should be located adjacent to an arterial or collector, as shown on the Roadway Plan, and may serve as a transitional land use between retail/commercial development and/or heavy traffic areas, and medium or low density residential development.

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES IN SF-3, MF and GR DISTRICTS:

SF-3 Permitted Uses

Single-family dwellings, detached
Parks, playgrounds
Places of worship
Public buildings, uses
Real estate sales offices
Temporary buildings

Utility services, general
Accessory structures
Customary home occupations
Private schools
Group Home

MF Permitted Uses:

Apartments
Assisted living facilities
Extended care, nursing home
Parks, playgrounds
Places of worship
Private schools

Public buildings, uses
Temporary buildings
Triplex, Fourplex
Utility services, general
Accessory structures
Customary home occupations

22

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Grove

7B & 8B

Case Number: # Z-13-012

GR Permitted Uses:

Accessory structures	Laundromat
Administrative offices	Liquor store
Art galleries with retail sales	Medical offices
Art gallery	Motel
Automated Teller Machines	Movie and music rentals sales
Automobile parts and accessories sales	Non-Emergency Medical Transport Service
Automobile repair shop	Non-Emergency Medical Transport Service (Conditional)
Automobile sales new	Nonprofit seasonal fundraisers
Automotive sales used	Office/showrooms
Automotive tire stores	Office/warehouse
Bakery retail	Personal Improvement Services
Banks (with or without drive-through facilities)	Personal improvement services general
Bar Cocktail Lounge	Personal Improvement Services Limited
Bed and Breakfast	Personal services general
Car washes; all types	Pet grooming
Civic clubs and fraternal organizations	Places of worship
Commercial parking lots	Private schools
Community center	Professional offices
Consumer repair shop (including bicycles)	Public buildings uses
Convenience store	Reception hall
Day care center adult	Rental libraries for sound and video recordings
Day care center child	Research and development activities (as it pertains to software only)
Day care center incidental	Restaurant general
Drugstores	Retail gift store
Dry cleaning and/or laundry on-site	Retail stores
Equipment rental sales service and/or repair	Software development
Food sales general (grocery store)	Software sales computer hardware sales
Food sales limited	Special events
Funeral home	Studios/art studio dance music drama
Furniture store	gymnastics photography interior design
Gasoline service stations general	Temporary buildings
Gasoline service stations limited	Theatres indoor
Golf amusement	Theatres outdoor
Hardware stores	Transit station
Home improvement center (with portable building sales as an accessory use only)	Utility services general
Hotel extended stay	Veterinary Services
Hotel	Vocational or trade school
Indoor sports and recreation	Wireless telecommunications facilities
Instant print copy services	
Landscape nursery and supply store retail	

August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Cedar Grove	7B & 8B
Case Number: # Z-13-012		

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area as suitable for neighborhood/office/retail/commercial uses, compatible with the following zoning districts: Transitional Office (TO), Transitional Commercial (TC), General Office (GO), Local Retail (LR) and Mixed Use (MU).

The applicant's request for SF-3, MF and GR zoning does not comply with the FLUP. The SF-3 request is compatible with a low density residential designation; the MF request is compatible with a high density designation; and the GR request is compatible with a regional office/retail/commercial designation.

A FLUP amendment is being processed concurrently with this zoning application. See agenda item 9B.

COMPREHENSIVE PLAN:

The applicant's request supports the following goals of the Comprehensive Plan:

4.1.3 Housing Goals

- Formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park, allowing it to grow into a sustainable community over the next 20-30 years.
- Provide new housing opportunities for current and future residents of Cedar Park.

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay.

Transportation:

Bagdad Road is classified as a major arterial adjacent to this tract. In 2010, Bagdad Road carried 13,373 vehicle trips per day.

August 20, 2013

Planning and Zoning Commission

Zoning

Cedar Grove**Item:****7B & 8B****Case Number: # Z-13-012****Water and Wastewater Utilities:**

Water and wastewater facilities are available and adequate to serve the proposed development.

Subdivision:

The property is not currently platted.

Setback and Height Requirements:

	Single Family Urban Lot (SF-3)	Multifamily Residential (MF)	General Retail (GR)
Front setback	25'	25'	25'
Side setback	5'	10'	12'
Side setback at street	15'	25'	25'
Side setback adj. to SF	n/a	n/a	20'
Rear setback	10'	25'	5'
Rear setback at street	n/a	n/a	25'
Rear setback adj. to SF	n/a	n/a	20'
Maximum Height	35'	48'	100'

Architectural Requirements:

All building exteriors within the SF-3 district require 50% masonry construction, exclusive of doors and windows. Within the MF and GR districts, 100% masonry construction is required on all exterior walls, exclusive of doors and windows.

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-84-006	From R-1 (SF) to R-2 (MF)	Recommended R-2	Withdrawn before action was taken
Z-86-024	From R-1 (SF) to R-2C (MF)	Recommended approval	Approved R-2C (MF)
Z-86-025	From R-1 (SF) to R-2C (MF)	Recommended approval	Approved R-2C (MF)
Z-06-009	Original zoning of GR	Alternate recommendation of LR	Approved LR
Z-11-051	City initiated original zoning of GO	Withdrawn at property owner's request prior to public hearing	

STAFF COMMENTARY:

The subject tract is currently undeveloped. Approximately 33 acres is currently zoned MF, 7.45 acres is zoned Local Retail (LR) and the remaining 26.3 acres has a Development Reserve (DR) designation.

30

August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Grove

Item:
7B & 8B

Case Number: # Z-13-012

The existing FLU designation of neighborhood office/retail/commercial was originally established when two collector roadways, Industrial Boulevard and Clover Lane, were planned to extend within the subject tract. (see map below)



In 2010, these collector roadways were removed from the plan, resulting in a large undeveloped tract with limited access to collector or arterial roadways. This modification to the collector plan greatly impacted the commercial/retail development potential of the subject tract.

Although not compliant with the FLUP, the applicant's request supports the housing goals of the Comprehensive Plan. In addition, the request is supported by the purpose statements of the SF-3 and MF districts. The MF designation serves as a transitional land use between retail/commercial development and/or heavy traffic areas, and medium or low density residential development. Finally, commercially zoned property has been retained along the frontage of Bagdad Road to allow for future retail/office development.

Regarding residential density, the existing 33 acre MF tract allows a residential density of 20 units per acre, equating to a potential 660 dwelling units. The requested 43.37 acres of SF-3 and 17.16 acres of MF would allow a total of 603 units, assuming 6 units per acre for the SF-3 property and 20 units per acre for the MF property. Although the requested residentially zoned acreage would be double that of the existing zoning, the maximum unit count would be less than what is currently entitled on the 33 acre MF tract.

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Grove

7B & 8B

Case Number: # Z-13-012

In addition to lowering the overall unit count, the proposed SF-3 zoning designation provides a better transition between the existing subdivisions to the north, east and south, than the existing MF zoning designation. The proposed MF tract is better situated for direct access to Bagdad Road and abuts existing GR zoned property to the north, as opposed to being surrounded by single family neighborhoods.

The applicant is requesting GR zoning along the frontage of Bagdad Road. The GR designation is intended to serve a regional population, as well as the surrounding neighborhoods, and encourages large scale retail developments. Due to the size of the proposed GR tracts and their location midblock along Bagdad Road, staff recommends a less intense Local Retail (LR) designation for these sites. The LR district is compliant with the FLUP, serves the local market, and provides availability for office and retail development along the major roadway frontage.

Initially, the applicant proposed approximately 5.37 acres of commercial zoning along the frontage of Bagdad Road. Staff initially recommended that the retail frontage extend for the entire frontage of Bagdad Road. Staff and the applicant had several conversations regarding the retail frontage along Bagdad Road and the need for visibility of the future apartment development from Bagdad Road. As a compromise, staff and the applicant reached consensus on approximately 6.22 acres of LR zoning along the frontage of Bagdad Road. Please see map references below. Overall, this increased the area of the retail by just under an acre, consequently reducing the SF-3 area by the same amount. Staff feels that this compromise will still provide a developable retail/office area along the Bagdad frontage that supports the economic goals of the Comprehensive Plan.

Applicant's initial request



Staff's initial recommendation



Final recommendation



32

August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Grove

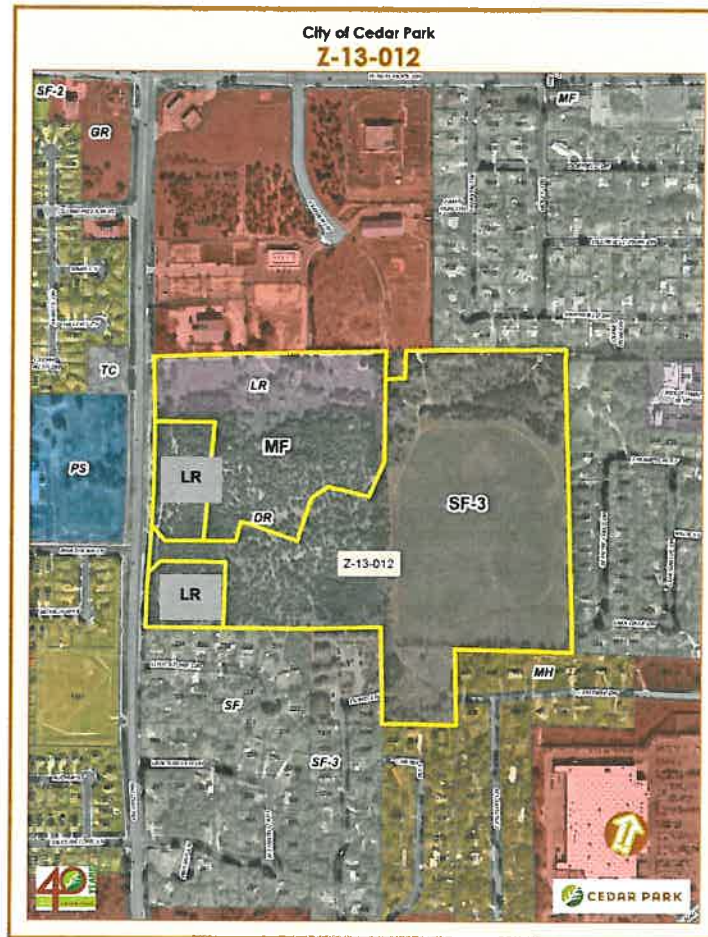
Item:
7B & 8B

Case Number: # Z-13-012

STAFF RECOMMENDATION:

Staff recommends the following:

- Approval of approximately 43.37 acres of SF-3
- Approval of approximately 17.16 acres of MF
- Approval of approximately 6.22 acres of LR



APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not received

PUBLIC INPUT: To date, no public input has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman August 7, 2013
100 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (September 12, 2013) 1ST Reading
(September 26, 2013) 2ND Reading

August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

OWNER: City of Cedar Park

AGENT: David Pettit

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: West side of 183A Toll Road, north of East New Hope Drive

COUNTY: Williamson

AREA: 19.47 acres

EXISTING ZONING: Open Space Recreation (OSR)

PROPOSED ZONING: Planned Development (PD)

STAFF RECOMMENDATION: Planned Development (PD)

EXISTING FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The agent is requesting to rezone approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD).

EXISTING SITE and SURROUNDING USES:

The site is currently undeveloped, with the exception of access drives and a detention facility serving the Cedar Park Center. The site is bounded by the Blockhouse Creek single family subdivision to the north (ETJ), 183A Toll Road to the east, undeveloped Development Reserve (DR) zoned property to the south and the existing Cedar Park Center to the west.

PURPOSE OF REQUESTED ZONING DISTRICT:

The Planned Development District accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the

34

August 20, 2013

*Planning and Zoning Commission***Item:**

Zoning

Cedar Park Center Planned Development**7C & 8C****Case Number: # Z-13-016**

development to occur, procedures are established herein to ensure appropriate application for a PD and still offer increased flexibility.

PERMITTED USES WITHIN THE PD:

Land uses within the PD will generally follow those currently established in the Entertainment Center Overlay (ECO). Some uses will be permitted by right, others by Conditional Use Permit (CUP) or Special Use Permit (SUP) as noted below.

Uses Permitted	Permitted By Right	Permitted By CUP	Permitted by SUP
Administrative Offices	X		
Art Gallery	X		
Art Gallery with retail sales	X		
Art Studio	X		
Automatic Teller Machines	X		
Bakery, retail ¹	X		
Bar ²	X		
Commercial Parking Lots			X
Concert Halls and Meeting Rooms	X		
Convenience Store ¹		X	
Food Sales, limited	X		
Hotel	X		
Indoor Sports and Recreation	X		
Medical Offices	X		
Motel		X	
Outdoor Sports and Recreation		X	
Professional Offices	X		
Places of Worship	X		
Residential over Commercial/Office			X
Restaurant, General ¹	X		
Restaurant, Limited ¹	X		
Retail Gift Store	X		
Special Events	X		
Theaters, Indoor	X		
Theaters, Outdoor ²	X		
Transit Station		X	

¹Drive through services are prohibited

²Prohibited within 500 feet of single family

35

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Park Center Planned Development

7C & 8C

Case Number: # Z-13-016

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area as suitable for regional office/retail/commercial uses, compatible with the following zoning districts: General Office (GO), General Retail (GR) and Mixed Use (MU).

The applicant's request complies with the FLUP.

COMPREHENSIVE PLAN:

The applicant's request supports the following goals of the Comprehensive Plan:

4.1.1 Quality of Life Goals

- Create a complete community where residents not only sleep, but also work, shop, eat, exercise, play and pray.

4.1.3 Housing Goals

- Formulate a viable mix of housing types that will successfully diversify the housing market of Cedar Park, allowing it to grow into a sustainable community over the next 20-30 years.
- Provide new housing opportunities for current and future residents of Cedar Park.

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay.

Transportation:

183A Toll Road is classified as a 6-lane freeway adjacent to this tract. In 2012, the average daily traffic volume on the tollway was 23,921 vehicles.

August 20, 2013

Planning and Zoning Commission

Item:

Zoning

Cedar Park Center Planned Development 7C & 8C

Case Number: # Z-13-016

Water and Wastewater Utilities:

Water and wastewater facilities are available and adequate to serve the proposed development.

Subdivision:

The property is not currently platted.

Setback, Height and Lot Requirements:

In general, the PD will utilize building setbacks, height and lot requirements set forth in the General Retail (GR) zoning designation. Exceptions to these standards are proposed for buildings fronting the public access easements as shown on Exhibit A. Maximum building setbacks will be established along the public access easements to encourage pedestrian access and placement of parking behind the buildings.

	Minimum Building Setbacks	Maximum Building Setbacks along public access easements
Front setback	25'	15'
Side setback	12'	15'
Side setback at street	25'	
Side setback adj. to SF	50'	
Rear setback	5'	
Rear setback at street	25'	
Rear setback adj. to SF	50'	

A maximum building height of 100 feet will be permitted within the PD, consistent with the GR regulations, with the following exception: building height shall be limited to 50 feet within 250 feet of single family residences.

The lot standards will mirror those of the GR district with the following exceptions:

- Minimum lot depth shall be 75 feet.
- Minimum lot size shall be 7,500 square feet.
- Public access easements shall be equal to public streets for the purposes of meeting requirements for lots fronting on public streets.

Architectural Requirements:

All building exteriors are required to be 100% masonry with the following exceptions:

- Metal panels and glass curtain wall systems may be used as façade materials to treat up to 30% of a wall face.

August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Cedar Park Center Planned Development	7C & 8C
Case Number: # Z-13-016		

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-08-023 and Z-08-024	Original zoning of Open Space Recreation (OSR)	Recommended OSR	Approved OSR

STAFF COMMENTARY:

The subject tract is currently undeveloped and serves as the main entryway to the Cedar Park Center. The subject tract is also located within the newly created Tax Increment Reinvestment Zone #2, which provides incentives and infrastructure to expedite development of the land located within this proposed PD.

The PD will generally comply with the regulations of the GR district and the uses of the ECO. Pedestrian activity will be encouraged along the public access easements and development within the PD will enhance the functionality and economic vitality of the immediate area.

Compatibility buffers are established along the northern PD boundary by providing increased setbacks and limited building heights. In addition, bars and outdoor theaters will be prohibited within 500 feet of single family residences. This equates to approximately the centerline of the main entryway into the Center.

Modifications to the access and off-street parking regulations of the Code of Ordinances are proposed. The location of parking within the PD will be encouraged behind the buildings. In addition, required off-street parking spaces for nonresidential uses may be accommodated anywhere within the PD boundary and will not require location on the same lot as the principal use they serve. Shared parking between the PD and the Center is encouraged.

Finally, the PD land uses are compliant with the FLUP and support the goals of the Comprehensive plan. The requested zoning exemplifies the purpose statement of the PD district, as it will include innovative concepts in land utilization, allows greater flexibility to establish special development regulations, while maintaining appropriate compatibility with the residential neighborhood to the north.

STAFF RECOMMENDATION:

Staff recommends approval of the PD as proposed. Consensus regarding the language included in the "Vested Rights" section of the PD has not been reached between the city and applicant. Conversations are continuing regarding this issue, and any modifications to the language will be presented during the public hearing for this case.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not received

PUBLIC INPUT: To date, no public input has been received.

36

August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Cedar Park Center Planned Development	7C & 8C
Case Number: # Z-13-016		

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman August 7, 2013
29 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (September 12, 2013) 1ST Reading
(September 26, 2013) 2ND Reading

August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Park Center Planned Development

Item:
7C & 8C
Case Number: # Z-13-016

Cedar Park Center Planned Development District

Exhibit A

PURPOSE

The City of Cedar Park (the "City") developed Cedar Park Center as a premier regional multi-use entertainment facility in Central Texas. The City now seeks to establish the Cedar Park Center Planned Development District (the "CPCPD District") to enhance the functionality, appearance, and economic vitality of Cedar Park Center. The purpose of the CPCPD District is to permit concepts in land utilization not permitted by other zoning districts in the City and to encourage future development to occur that is consistent with the City's vision for the area. The CPCPD District will define land use and specific regulations necessary for the creation and promotion of an integrated mixed-use pedestrian oriented development to allow flexibility for creative building solutions while being prescriptive in areas necessary to preserve consistency.

DISTRICT BOUNDARIES

The uses permitted and regulations set forth in the CPCPD District apply to the development and use of the land as identified on the City's Planning and Zoning Map and further illustrated on the Proposed Land Use Plan attached as Exhibit A.

APPLICABLE REGULATIONS

Except as expressly provided below, all development within the CPCPD District shall comply with: (a) the terms and provisions set forth herein and (b) to the extent that such regulations do not conflict with the terms and provisions set forth herein, all applicable regulations in the City of Cedar Park Code of Ordinances' General Retail District (the "GR District"); and (c) to the extent that such regulations do not conflict with the terms and provisions set forth herein, all applicable regulations in the City of Cedar Park Code of Ordinances (the "Code"). Without limiting the generality of the foregoing sentence, it is the intent hereof that the terms and provisions set forth herein shall govern in the event of any conflict between the terms and provisions set forth herein and any regulations in the Code.

USES PERMITTED

The following uses are permitted in the CPCPD District either by right, by Conditional Use Permit ("CUP") or by Special Use Permit ("SUP"), as designated in the table below. Any use not listed below is not permitted within the CPCPD District.

Uses Permitted	Permitted by Right	Permitted by CUP	Permitted by SUP
Administrative Offices ¹	X		
Art Gallery	X		
Art Gallery with retail sales	X		
Art Studio	X		
Automatic Teller Machines	X		
Bakery, retail (Drive-thru services prohibited)	X		
Bar ²	X		
Commercial Parking Lots			X
Concert Halls and Meeting Rooms	X		
Convenience Store (Drive-thru services prohibited)		X	

August 20, 2013

Zoning

Planning and Zoning Commission

Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

Cedar Park Center Planned Development District

Exhibit A

Food Sales, limited	X		
Hotel	X		
Indoor Sports and Recreation	X		
Medical Offices ¹	X		
Motel		X	
Outdoor sports and recreation		X	
Professional Offices ¹	X		
Places of Worship	X		
Residential Over Commercial/Office			X
Restaurant, General (Drive-thru services prohibited)	X		
Restaurant, Limited (Drive-thru services prohibited)	X		
Retail Gift Store	X		
Retail Store	X		
Special Events	X		
Theaters, Indoor	X		
Theaters, Outdoor ²	X		
Transit Station		X	

¹ See Planned Development Regulations for limitations related to office development in the CPCPD District.

² Prohibited within 500 feet of single family

PLANNED DEVELOPMENT REGULATIONS

Office Uses Permitted:

Office uses shall be limited to 10% of the total land area for the CPCPD District. Calculation is based on the footprint of the building when office uses are on the first floor. In instances where the first floor is not wholly office uses, the square footage of the office uses shall be prorated and calculated toward the overall 10% maximum. Office uses on second floor and above are exempt from this calculation.

Bar Permitted:

A bar is a permitted use in this district, provided any public entrance to such an establishment is located a minimum of five hundred (500) feet from the nearest property line of property owned by a public school district, any private accredited school, any single-family or duplex residence, any permanent single-family residential district, church, or any day care center.

Height Regulations:

Modifications to height requirements of the GR District are as follows:

- 1) Within 250 feet of single family residential use, building height shall be limited to a maximum of 50 feet.

41

August 20, 2013

Zoning

Planning and Zoning Commission
Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

Cedar Park Center Planned Development District

Exhibit A

Setback Regulations:

Buildings fronting 183 A will be subject to minimum setbacks per the regulations in the GR District and the Corridor Overlay District. The following list specifies modifications to the building setback standards for all lots within the PD with buildings fronting the Public Access Easements as shown in Exhibit A. Maximum setbacks at Public Access Easements shall be measured from the edge of curb to building face and at least 65% of the building face must reside within the maximum setback distance.

- | | |
|--|--------------------|
| • Front Setback at Public Access Easements | Maximum of 15 Feet |
| • Side Setback at Public Access Easements | Maximum of 15 Feet |
| • Side Setbacks adjacent to Single Family | Minimum of 50 Feet |
| • Rear Setbacks adjacent to Single Family | Minimum of 50 Feet |

Lot Regulations:

Modifications to Lot Regulations for the GR District are as follows:

- 1) Minimum Lot Depth: 75 feet.
- 2) Minimum Lot Width: 100 Feet.
- 3) Minimum Lot Size: 7,500 square feet.
- 4) All lots shall have no less than fifty (50) feet of frontage on an existing or proposed public street, or along a Public Access Easement connecting to a public street. Public Access Easement means an area, publicly or privately owned, created by recorded plat or separate instrument other than a dedicated street or place, or an alley, which is maintained free and clear of buildings, structures and other obstructions for the purpose of providing free passage of vehicles. For the purposes of the CPCPD any lot that meets the above requirements shall be considered a legal lot.

Off-street Parking Regulations:

Modifications to Access and Off-Street Parking regulations for the GR District are as follows:

- 1) Head-in and parallel parking spaces located on private streets or public access easements count toward off-street parking requirements.
- 2) Off-street parking may be provided between the building and the buffer yard but may not exceed one aisle. All other off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way. Screening may be provided by means of landscaping, berms, screening walls, any combination thereof, or such other method as may be approved by the City.
- 3) Minimum off-street parking requirements for non-residential uses can be met by placing required off-street parking spaces at any location within the CPCPD District with the execution of a shared parking agreement submitted, reviewed and approved by the City. Off-street parking spaces for non-residential uses, whether required or excess, are not required to be located on the same lot as the principal use they serve.
- 4) Shared parking for uses located within the CPCPD District may count toward off-street parking requirements if located within 300 feet outside of the CPCPD District's boundaries, and executing a shared parking agreement with Cedar Park Center or other adjacent property owners in a form that is reviewed and accepted by the City. Parking distances under this paragraph are measured as the shortest straight-line distance between the CPCPD District's boundaries and the farthest edge of the parking area located outside of the CPCPD District's boundaries.

42

August 20, 2013

Zoning

Planning and Zoning Commission
Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

Cedar Park Center Planned Development District

Exhibit A

Architectural Design Standards:

Modifications to the Architectural Design Standards for the GR District are as follows:

- 1) Metal panels and glass curtain wall systems may be used as facade materials to treat up to 30% of a wall face. Glass Curtain Wall Systems is defined as a thin, aluminum-framed (or similar material) wall, containing in-fills of glass that is attached to the building structure and does not carry the floor or roof loads of the building.
- 2) All permitted accent materials must be compatible with the character of the CPCPD District and the adjacent architecture of Cedar Park Center and must be submitted for review and approval to the Director of Development Services.

Vested Rights:

An application for final plat of the entire property within the CPCPD shall be deemed the first permit application pursuant to Texas Local Government Code Chapter 245, and the approval of such final plat shall be deemed to satisfy all requirements under Section 11.02.275 of the Code for the entire property within the CPCPD, rendering inapplicable the provisions providing for expiration and automatic assignment to Development Reserve District ("DR") zoning, as set forth therein. All applications for permits for development in the CPCPD received by the City subsequent to such final plat application shall be reviewed and considered pursuant to the applicable regulations in the GR District and Code that are in effect on the date of such final plat application and not in conflict with the terms hereof.

August 20, 2013

Zoning

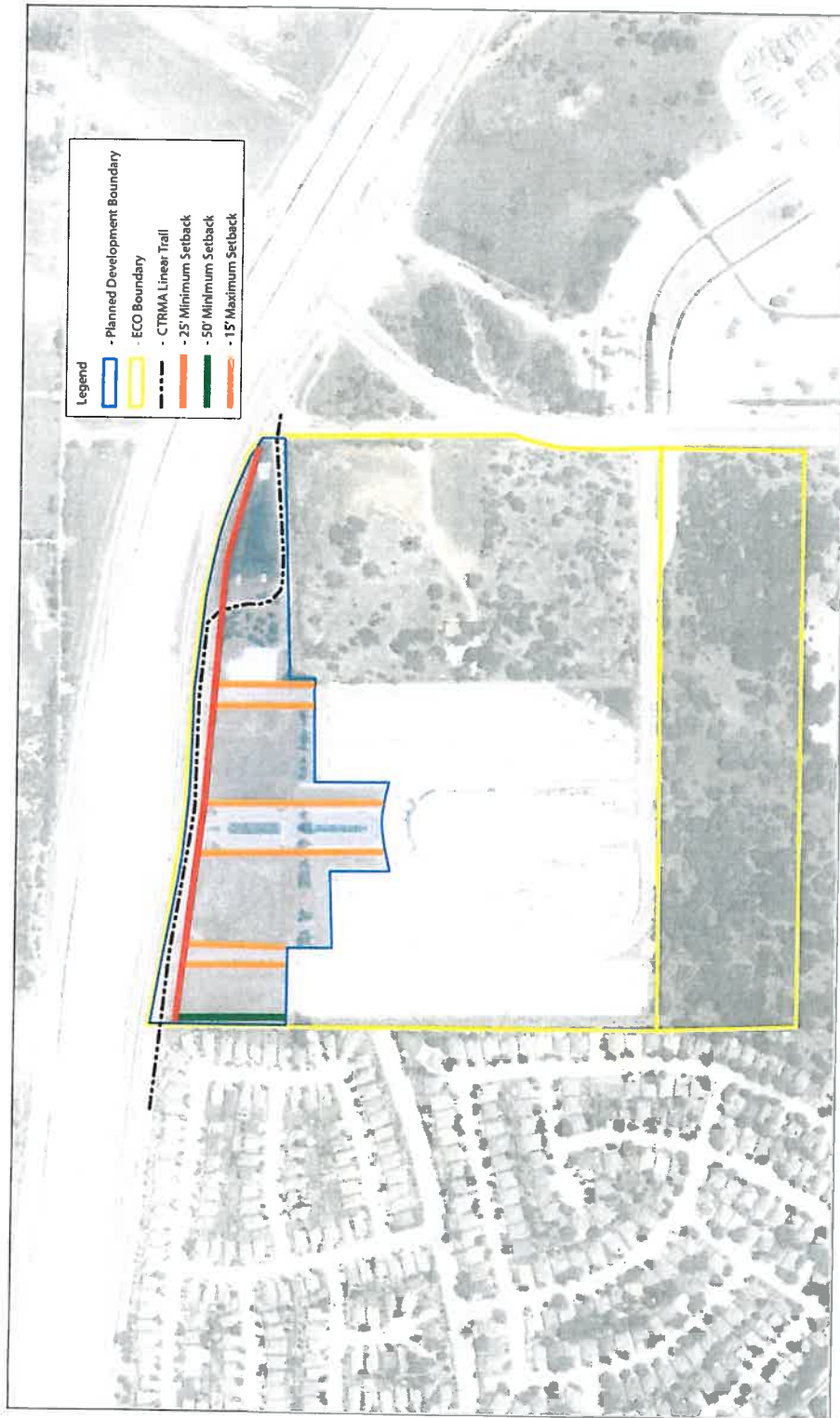
Planning and Zoning Commission
Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

DRAFT

Cedar Park Center Planned Development District



ALEX RIT

TUESDAY AUGUST 6 2013

44

August 20, 2013

Zoning

Planning and Zoning Commission
Cedar Park Center Planned Development

Item:
7C & 8C

Case Number: # Z-13-016

DRAFT

Cedar Park Center Planned Development District



Tuesday, August 6, 2013

BIFxhibi

45

August 20, 2013
Future Land
Use Plan
Amendment

Planning and Zoning Commission
Old Mill Village

**Item:
9A**

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

In conjunction with the rezoning request by 183 BLW LP (Z-13-007), the applicant has requested the following amendments to the Future Land Use Plan (FLUP):

For:

- Amend the Future Land Use map for 10.72 acres for property located at Old Mill Road and South Lakeline Boulevard from Neighborhood Office/Retail/Commercial to Medium Density Residential

The Medium Density Residential designation is compatible with the following zoning districts: Duplex Residential (DP), Condominium Residential (CD), and Townhome Residential (TH).

Staff does not recommend approval of this request. Due to the substantial frontage on a major arterial roadway, the site is best suited for office, retail, and commercial uses.

Staff recommends retention of the Neighborhood Office/Retail/Commercial designation for this area.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1387.17	7.18%	1387.17	7.18%	-
High Density Residential	368.94	1.91%	368.94	1.91%	-
Industrial	328.39	1.70%	328.39	1.70%	-
Institutional/Public/Utility	982.73	5.09%	982.73	5.09%	-
Low Density Residential	9360.08	48.45%	9360.08	48.45%	-
Medium Density Residential	331.86	1.72%	342.58	1.78%	+0.06%
Neighborhood Office/Retail/Commercial	2142.61	11.09%	2131.89	11.03%	-0.06%
Parks and Open Space	2303.22	11.92%	2303.22	11.92%	-
Regional Office/Retail/Commercial	2116.01	10.95%	2116.01	10.95%	-

46

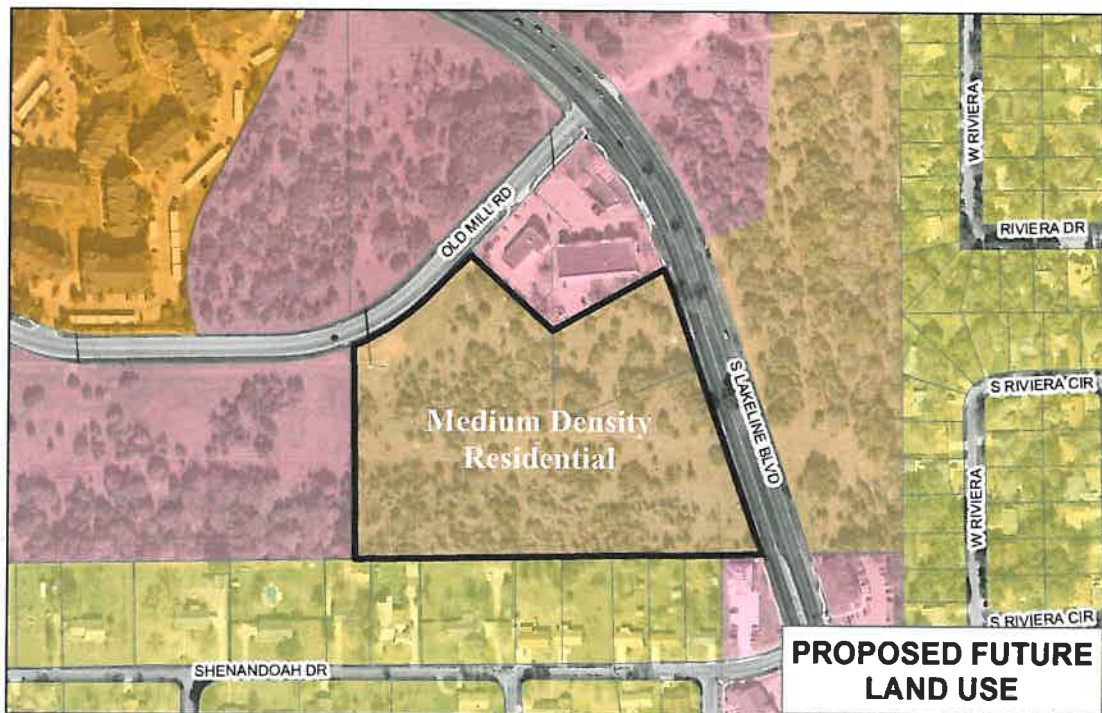
August 20, 2013

Future Land
Use Plan
Amendment

Planning and Zoning Commission

Old Mill Village

Item:
9A



August 20, 2013

Planning and Zoning Commission

Future Land
Use Plan
Amendment

Cedar Grove

Item:
9B

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

In conjunction with the rezoning request known as Cedar Grove (Z-13-012), the applicant has requested the following amendment to the Future Land Use Plan (FLUP):

Amend the Future Land Use map from approximately 60.53 acres of Neighborhood Office/Retail/Commercial to:

- Approximately 43.37 acres of Low Density Residential;
- Approximately 17.16 acres of High Density Residential

The Low Density Residential designation is compatible with the following zoning districts: Rural Agriculture (RA), Estate Lot (ES), Manufactured Home (MH), Single Family (SF), Single Family Large Lot (SF-1), Single Family Suburban Lot (SF-2) and Single Family-Urban Lot (SF-3).

The High Density Residential Designation is compatible with the Multifamily Residential zoning district.

Staff is supportive of the applicant's request. The existing FLU designation of neighborhood office/retail/commercial was originally established when two collector roadways, Industrial Boulevard and Clover Lane, were planned to extend within the subject tract. (see map below)



48

August 20, 2013

Planning and Zoning Commission

Item:
9B

Future Land
Use Plan
Amendment

Cedar Grove

In 2010, these collector roadways were removed from the plan, resulting in a large undeveloped tract with limited access to collector or arterial roadways. This modification to the collector plan greatly impacted the commercial/retail development potential of the subject tract.

The applicant's request supports the housing goals of the Comprehensive Plan. In addition, the request is supported by the purpose statements of the SF-3 and MF districts. The MF designation serves as a transitional land use between retail/commercial development and/or heavy traffic areas, and medium or low density residential development. Finally, the neighborhood office/retail/commercial designation will be retained along a majority of the Bagdad Road frontage to allow for future retail/office development.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1387.17 acres	7.18%	1387.17 acres	7.18%	0%
High Density Residential	368.94 acres	1.91%	386.1 acres	2.0%	+0.09%
Industrial	328.39 acres	1.7%	328.39 acres	1.7%	0%
Institutional/Public/Utility	982.73 acres	5.09%	982.73 acres	5.09%	0%
Low Density Residential	9360.08 acres	48.45%	9403.45 acres	48.67%	+0.22%
Medium Density Residential	331.86 acres	1.72%	331.86 acres	1.72%	0%
Neighborhood Office/Retail/Commercial	2142.61 acres	11.09%	2082.08 acres	10.78%	-0.31%
Parks and Open Space	2303.22 acres	11.92%	2303.22 acres	11.92%	0%
Regional Office/Retail/Commercial	2116.01 acres	10.95%	2116.01 acres	10.95%	0%

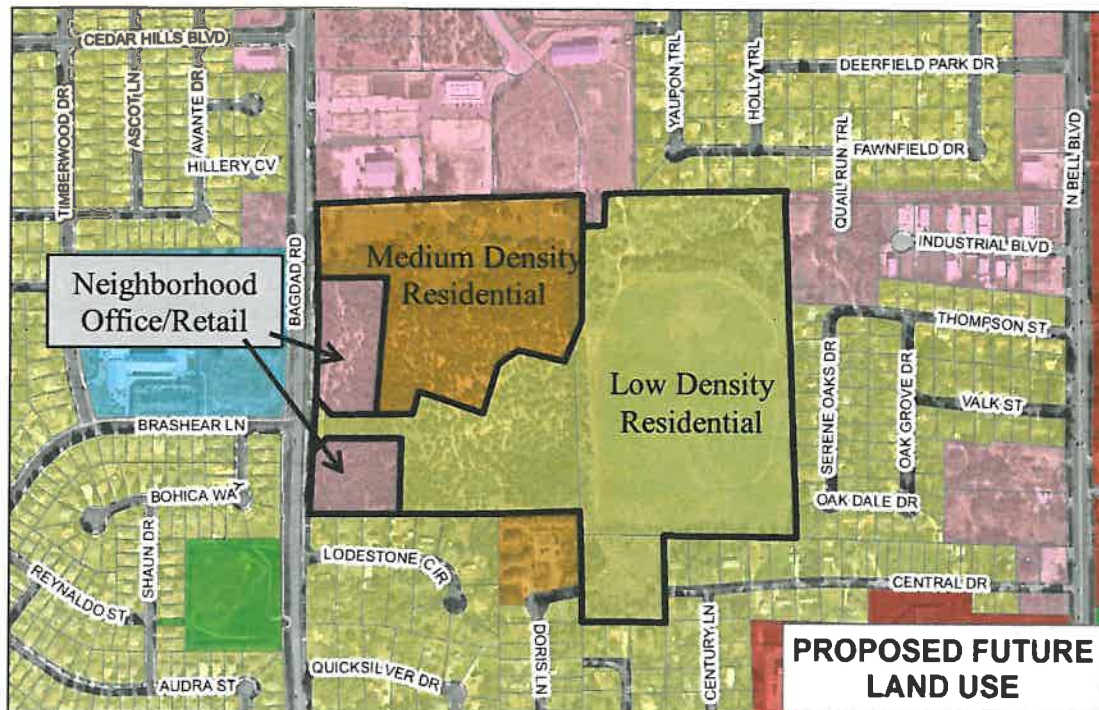
August 20, 2013

Future Land
Use Plan
Amendment

Planning and Zoning Commission

Cedar Grove

Item:
9B



August 20, 2013	Planning and Zoning Commission	Item:
Zoning	Austin Sports Center – Brassfield	11A
Case Number: CUP-13-001		

OWNER/APPLICANT: Junior Volleyball Association of Austin

AGENT: Daniel Mahoney, Bury + Partners

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: 1401 Toro Grande Boulevard

COUNTY: Williamson County

AREA: 3.75 acres

EXISTING ZONING: Commercial Services (CS)

PROPOSED ZONING: Commercial Services (CS) with a Conditional Use Permit (CUP) to allow for "Outdoor Sports and Recreation"

STAFF RECOMMENDATION: Commercial Services (CS) with a Conditional Use Permit (CUP) to allow for "Outdoor Sports and Recreation"

EXISTING FUTURE LAND USE PLAN DESIGNATION: Industrial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is for a Conditional Use Permit to allow for "Outdoor Sports and Recreation" on 3.75 acres in a Commercial Services (CS) district.

EXISTING SITE and SURROUNDING LAND USES:

1401 Toro Grande Boulevard is an undeveloped parcel across the street from the Austin Sports Center. The site is immediately surrounded on all sides by properties within the City's extraterritorial jurisdiction (ETJ) which are either undeveloped or contain single family homes. While most of the properties fronting Toro Grande, which extends approximately 0.4 miles north from East Whitestone Boulevard, are zoned either General Industrial (GI) or Commercial Services (CS), the street has developed a "Sports Row" that includes Soccer Zone (1220 Toro Grande), Nitro Swimming (1310 Toro Grande), an Austin Sports Center (1420 Toro Grande).

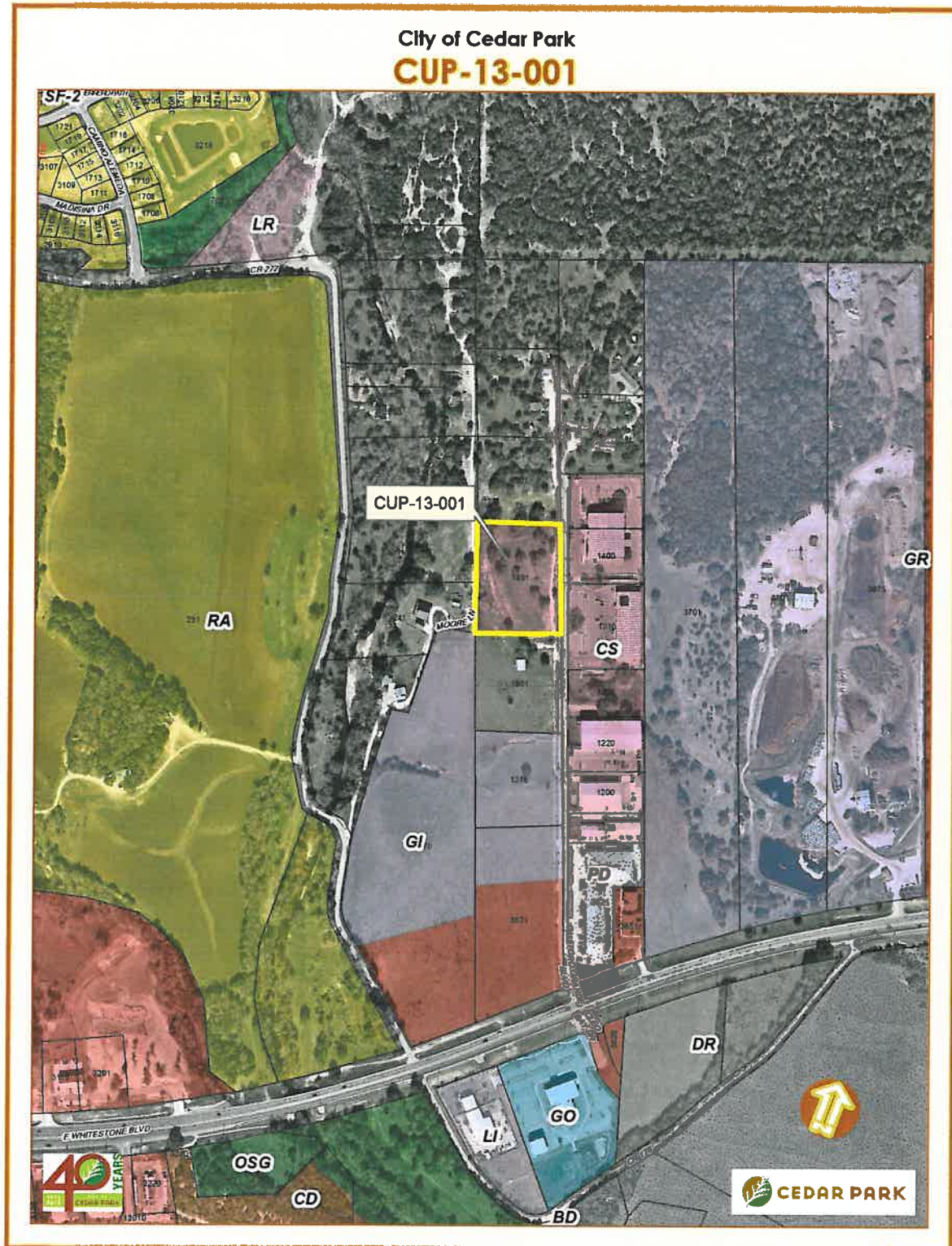
August 20, 2013

Zoning

Planning and Zoning Commission
Austin Sports Center – Brassfield

**Item:
11A**

Case Number: CUP-13-001



August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Austin Sports Center – Brassfield	11A
Case Number: CUP-13-001		

PURPOSE OF THE CONDITIONAL USE PERMIT:

A Conditional Use Permit (“CUP”) may be granted to certain land uses that are not permitted by right in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City’s Comprehensive Plan. Conditional use permits shall provide a means whereby proposals for such land uses may be examined on a case-by-case basis to determine whether, and under what conditions, these uses may be permitted.

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area for Industrial, with compatible zoning districts of Commercial Services, (CS), Heavy Commercial (HC), Light Industrial (LI), General Industrial (GI), and Heavy Industrial (HI).

The Applicant’s request complies with the FLUP. No change in the FLUP would be necessary.

COMPREHENSIVE PLAN:

The request for a Conditional Use Permit is in compliance with these goals of the Comprehensive Plan:

4.1.1 Quality of Life/Civic Character Goals

- Create a complete community where residents not only sleep, but also work, shop, eat, exercise, play and pray.

4.1.4 Parks and Open Space Goals

- Develop a system of parks and open spaces that address the needs of the residents of Cedar Park as well as draw visitors and businesses to Cedar Park.

4.1.6 Economic Development Goals

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment, which supports existing businesses.

SITE INFORMATION:

Corridor Overlay:

The site is not within the Corridor Overlay (CO).

Transportation:

Toro Grande Boulevard is classified as a collector roadway.

Subdivision:

The property is considered a legal lot.

August 20, 2013

Zoning

Planning and Zoning Commission **Austin Sports Center – Brassfield**

**Item:
11A**

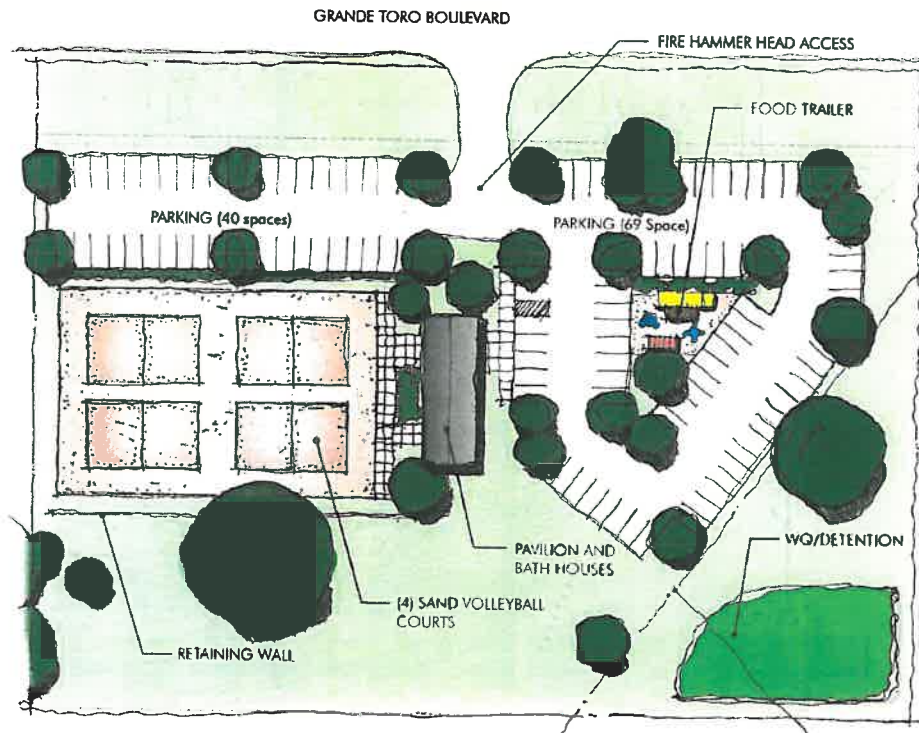
Case Number: CUP-13-001

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-10-009	Assign original zoning of CS	Recommended	Approved

STAFF COMMENTARY:

Austin Sports Center operates a 35,000 SF indoor sports facility at 1420 Toro Grande Boulevard. A 12,000 expansion of that facility was approved in June of 2013. Across the street at 1401 Toro Grande, the Junior Volleyball Association of Austin (which operates the Austin Sports Center) is proposing four outdoor sand volleyball courts with an associated pavilion and bath house. This is illustrated in the following concept plan:



This use fits the definition in the City's Zoning Ordinance for "Outdoor sports and recreation":

A recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts. This use excludes amusement parks, race tracks for dirt bikes or any motorized bike, three wheel, or four wheel vehicle.

"Indoor sports and recreation" is a permitted use in the CS district, which has allowed the existing cluster of sports facilities comprising "Sports Row" to locate on Toro Grande Boulevard. However, "Outdoor sports and recreation" in the CS district requires a Conditional Use Permit.

August 20, 2013

Zoning

Planning and Zoning Commission
Austin Sports Center – Brassfield

**Item:
11A**

Case Number: CUP-13-001

Per Sec. 11.02.311 of the City's Zoning Ordinance, in considering Conditional Use Permits the Planning and Zoning Commission is instructed to evaluate whether the application sufficiently addresses three factors:

- Access, circulation, and loading – The applicant is proposing one access point into the site, which should be sufficient to serve the use. The associated off-street parking and loading would be required to comply with all requirements within the City's Site Development ordinance.
- Compatibility with adjacent properties – This site is situated directly opposite three prominent sports facilities which are nearly identical in use but operate indoor rather than outdoor. In addition, staff believes that outdoor sports and recreation would be more compatible with nearby residential properties than would many other uses allowed in the CS district, which is designed "for business and commercial activities that are typically more intensive than consumer retail enterprises, often larger in scale, and often are designed to serve the region" (Sec. 11.02.163).
- Compliance with the goals and objectives of the Comprehensive Plan, as amended – The request meets the goals of the Comprehensive Plan listed above.



Uses along Toro Grande Boulevard

STAFF RECOMMENDATION:

Based on the review factors, 1401 Toro Grande Boulevard is an appropriate location for this use. Staff recommends approval of the Applicant's request for a Conditional Use Permit to allow for "Outdoor sports and recreation".

55

August 20, 2013	<i>Planning and Zoning Commission</i>	Item:
Zoning	Austin Sports Center – Brassfield	11A
Case Number: CUP-13-001		

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

Not received.

PUBLIC INPUT:

To date, staff has received two inquiries by phone. One neighbor expressed concern that neighbors may be bothered by light and noise.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman August 7, 2013
 10 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

August 20, 2013

Planning and Zoning Commission

Item:
12A

Ordinance
Amendment

Ordinance Amendment - Zoning Chapter 11 Gas Stations

OA-13-008

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

At the request of City Council, staff is proposing the following amendments to Chapter 11, Zoning, to remove gas stations as a permitted use in the Local Retail (LR) zoning district.

Proposed amendments to the Zoning Ordinance are shown below.

DIVISION 18: LOCAL RETAIL DISTRICT, LR

Sec. 11.02.146 Permitted uses

Any use permitted in the Transitional Commercial District, TC

1. Automated Teller Machines
2. Automobile parts and accessories sales
3. Bakery, retail Sec. 11.02.142C [11.02.152C]
4. Banks (with or without drive-through facilities)
5. Consumer repair shop (including bicycles)
6. Convenience store
7. Dry cleaning and/or laundry, on-site
- ~~8. Gasoline service stations, limited~~
- ~~9~~8. Golf, amusement, Sec. 11.12.002
- ~~10~~9. Food sales, general (grocery store)
- ~~10~~1. Hardware stores
- ~~11~~2. Landscape nursery and supply store, retail
- ~~12~~3. Laundromat
- ~~13~~4. Liquor store, Sec. 11.02.152D
- ~~14~~5. Nonprofit seasonal fundraisers, see Article 11.07 [11.06], Division 1 [Chapter 6, Article 6.01.]
- ~~15~~6. Drugstores
- ~~16~~7. Personal Improvement Services, Limited
- ~~17~~8. Pet grooming
- ~~18~~9. Restaurant, general
- ~~20~~19. Rental libraries for sound and video recordings
- ~~20~~1. Retail stores, Sec. 11.02.152E
- ~~21~~2. Veterinary Services, Sec. 11.02.152F
- ~~22~~3. Non-Emergency Medical Transport Service (Conditional)

57

August 20, 2013	<i>Planning and Zoning Commission</i>	Item: 12A
Ordinance Amendment	Ordinance Amendment - Zoning Chapter 11 Gas Stations	
OA-13-008		

DIVISION 19: GENERAL RETAIL DISTRICT, GR

Sec. 11.02.156 Permitted uses

Any use permitted in the Local Retail district, LR

1. Automobile sales, new
2. Automotive sales, used, Sec. 11.02.162E.
3. Automobile repair shop, Sec. 11.02.162D
4. Automotive tire stores
5. Bar, Cocktail Lounge, Sec. 11.02.162C
6. Car washes; all types
7. Civic clubs and fraternal organizations
8. Commercial parking lots
9. Equipment rental, sales, service and/or repair, Sec. 11.02.162D
10. Funeral home
11. Furniture store
12. Gasoline service stations, ~~general~~
13. Home improvement center (with portable building sales as an accessory use only)
14. Hotel, Sec. 11.12.002
15. Hotel, extended stay, Sec. 11.12.002
16. Indoor sports and recreation
17. Motel, Sec. 11.12.002
18. Office/showrooms
19. Office/warehouse
20. Personal improvement services, general
21. Reception hall
22. Special events, Article 11.06, Division 3 [Chapter 6, Article 6.03.]
23. Theatres, indoor
24. Theatres, outdoor
25. Transit station
26. Non-Emergency Medical Transport Service

DIVISION 20: COMMERCIAL SERVICES DISTRICT, CS

Sec. 11.02.164 Permitted uses

1. Automobile repair shop
2. Automotive tire stores
3. Automotive parts and accessories sales
4. Automotive paint and body shop
5. Automotive upholstery shop
6. Boarding kennels, see Sec. 11.12.002
7. Construction sales and services

August 20, 2013

Planning and Zoning Commission**Item:
12A**Ordinance
Amendment**Ordinance Amendment - Zoning Chapter 11
Gas Stations****OA-13-008**

8. Crematorium
9. Dry cleaning and/or laundry facility, on-site
10. Equipment rental, see Sec. 11.12.002
11. Gasoline service stations, ~~general~~
12. Greenhouses, commercial
13. Indoor shooting range
14. Indoor sports and recreation
15. Office/showroom
16. Office/warehouse
17. Pawn shop
18. Permanent makeup, tattooing, body piercing
19. Pest control, exterminating services
20. Pool and Spa Sales and Service
21. Print shop
22. Communication Services
23. Recreational Vehicle (RV) Park, see [Secs.] 11.12.002, 11.02.171
24. Seasonal businesses, Secs. 11.06.001–11.06.004 [Chapter 6, Article 6.02.]
25. Self-storage, see Sec. 11.02.172
26. Temporary buildings, Sec. 11.01.010
27. Trade shop, see Sec. 11.12.002
28. Truck Stop
29. Upholstery shops, not involving manufacture
30. Utility services, general
31. Veterinary Services
32. Wrecker, impoundment
33. Accessory structures, Secs. 11.04.001–11.04.004
34. Food Preparation
(Ordinance CO33-07-06-28-5D adopted 6/28/07; Ordinance CO04-08-10-09-C4 adopted 10/9/08)
35. Wireless telecommunications facilities, see art. 14.09. (Ordinance CO42-09-04-09-C1 adopted 4/9/09)

Sec. 11.02.342 Zoning District Chart Nonresidential Districts

Use**	TO	TC	GO	LR	GR	CS	HC	* H	* BD	PS	* LI	* GI	* HI	OSG	OSR	MU
Gasoline service Station, general					P	P										
Gasoline service Station, limited				P	P											

August 20, 2013	<i>Planning and Zoning Commission</i>	Item: 12A
Ordinance Amendment	Ordinance Amendment - Zoning Chapter 11 Gas Stations	
OA-13-008		

Sec. 11.12.002 Terms

Gasoline service station, general: A retail gasoline service station selling gas and/or diesel fuels primarily to passenger vehicles, with or without automobile repair on site, and with or without an automatic car wash.

Gasoline service station, limited: ~~A retail gasoline service station selling gas and/or diesel fuels primarily to passenger vehicles, with no automobile repair, with or without an automatic car wash[.]~~